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ATTORNEY GENERAL

Office of the Attorney General
State of Texas

June 26, 1991

Mr. Leonard W. Peck, Jr.
Assistant General Counsel
Texas Department of Criminal Justice
Institutional Division
P.O. Box 99
Huntsville, Texas 77342-0099

OR91-311

Dear Mr. Peck:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 12619.

The Texas Department of Criminal Justice -- Institutional Division (the division) received an open records request from an Eastham Unit inmate for access to "the Law Library Visit Log(s) (I-183) maintained in the Eastham Unit's law library." The entries in the visit logs, completed by the individual prison inmates entering the library, contain the name of the inmate, his "TDC" identification number, his housing assignment, and a record of the time he spent in the library. There is also a section entitled "Comments (Improper Conduct, etc.)" that presumably is completed by library staff. You state that any inmate using the law library will be aware of those other inmate entries that already exist on the page he signs or on the page immediately adjacent thereto and that the inmate would be able to see the other inmates who are using the library at the same time. You nevertheless contend that the entry log comes under the protection of section 3(a)(1), which protects information deemed confidential by law.

You acknowledge at the outset that the requested information does not come under the protection of the *Stipulated Modification of Section II,D and Section II,A of Amended Decree* (hereinafter the *Stipulated Modification*) of the *Ruiz Amended Decree*. Section 7.A.(18) of the *Stipulated Modification* prohibits the division from releasing "sensitive information" concerning prison inmates. Section 1.G. of the *Stipulated Modification* provides:

A document, record, or information relating to a particular inmate is sensitive if it

(1) relates to his medical, psychiatric, or psychological condition or treatment . . .

(2) relates to his criminal history, current offense, educational attainment, intelligence quotient, trust fund account, social history, known enemies, disciplinary record, next of kin, or home address.

Otherwise it is nonsensitive.

An inmate's medical, psychiatric and psychological files, and all documents filed therein, an inmate's unit and departmental files, and all documents typically filed therein, travel cards, disciplinary reports, incident reports, use of force reports and grievances are sensitive.

See also Open Records Decision No. 560 (1990). The library log does not fall under any of the categories listed above. It is therefore not made confidential by the *Stipulated Modification*.

You contend that the release of the requested information would violate prison inmates' rights under the First Amendment of the U.S. Constitution as recognized by previous determinations of this office. In Open Records Decision No. 100 (1975) (copy enclosed), this office held that library circulation records that would disclose the identity of library patrons *in connection with the material they have obtained from the library* was information made confidential by the First and Fourteenth Amendments to the U.S. Constitution. Standing alone, however, information revealing only the identity of a library patron does not implicate any Constitutional interest. *Id.*

You have made no argument as to why the remaining information contained in the library logs is excepted from required public disclosure. The fact the log entries are open to anyone entering the library defeats any argument for denying the pending open records request. *See* V.T.C.S. art. 6252-17a, § 14(a) (prohibiting selective disclosure). The requested information must be released.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR91-311.

Yours very truly,



William Walker
Assistant Attorney General
Opinion Committee

WW/RWP/lb

Ref.: ID# 12619
ID# 12743

Enclosures: Open Records Decision No. 100

cc: Alton Simmons
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